

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE NO. 713 OF 2014

ORDER:

Heard learned counsel appearing for petitioners and Sri A. Sanjeev Kumar, Special Government Pleader attached to the Office of the Additional Advocate General.

2. This Contempt Case is filed alleging willful disobedience of the order dated 21.2.2013 in W.P.No. 4819 of 2009.

3. Petitioners had filed the said Writ Petition stating that they had been recruited as Grade III Coaches by the then Andhra Pradesh Sports Authority, Hyderabad, pursuant to the notification dated 11.8.1993 issued by it. That, thereafter, they were given for appointment on contract basis on consolidated pay; although they had worked continuously, the Government of Andhra Pradesh was not considering their cases for regularization.

4. On 21.2.2013, the said Writ Petition was disposed of by this Court after hearing the arguments of the counsel for the Sports Authority of Andhra Pradesh, noting that the petitioners were appointed on temporary basis prior to the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structures) Act, 1994 (A.P. Act 2 of 1994), which has come into force on 25.11.1993 and that as long as the said statute was in force, it would not be possible for the Government to regularize the services of the petitioners. It therefore directed the Government to consider the case of the petitioners taking into

account their length of service and see how best the petitioners can be helped in the matter since there were sanctioned posts and Sports Authority of Andhra Pradesh also stated that there was necessity to fill up those posts. It directed that this exercise shall be undertaken by the Government at an early date.

5. It is admitted by both sides that subsequently, after formation of State of Telangana, Section 10-A was introduced in the said Act in 2016 providing for lifting the ban on regularization in respect of Government employees, but no decision has been taken in respect of persons such as petitioners, who are employed in the organizations like the Sports Authority of Telangana, the successor of the Sports Authority of Andhra Pradesh.

6. It is also not in dispute that benefits which are granted to regular Coaches, except increments, have been released to the petitioners but the counsel for petitioners states that the petitioners are also entitled to get increments; that the petitioners will apply to the Sports Authority of Telangana for the release of increments and that the said organization be directed to consider their request for payment of increments. It further submitted that, as and when a decision is taken by the State Government, in relation to the regularization of persons other than those employed in the State Government by the State Government, the petitioners be granted liberty to approach this Court.

7. Learned Special Government Pleader also stated that the Sports Authority of Telangana will consider the request of the petitioners for grant of increments, if representation in that regard submitted by the petitioners, within three weeks from the date of receipt of a copy of this order. He also

stated in case there is any change in the policy of the Government with regard to persons engaged on temporary basis in non-governmental organization such as Sports Authority of Telangana, the petitioners can again agitate their claim, if so advised.

8. In this view of the matter, the Contempt Case is closed directing the petitioners to submit a representation to the Sports Authority of Telangana with regard to payment of increments within three weeks from the date of receipt of a copy of this order and on receipt thereof, the said authority shall consider the same in accordance with law and communicate its decision to the petitioners within six weeks from the date of receipt of such representation. Petitioners are also granted liberty to approach this Court, in the event there is a change in the policy of the State of Telanganam, with regard to regularization of temporary employees like petitioners in organizations like Sports Authority of Telangana, as and when such event occurs. No costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand dismissed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 14.03.2017
KA